

CM/ECF Administrative Policies and Procedures Manual for Civil Filings

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

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Administrative Policies and Procedures Manual

I. ELECTRONIC FILING SYSTEM

Case Management/Electronic Case Files (CM/ECF) is a new automated case management and docketing system designed specifically for the Federal Courts. The case management and docketing (CM) portion is a nationally supported system that provides customized docketing and reporting capability. The electronic case files (ECF) portion allows attorneys to submit documents that are created in electronic form to the Court by means of the Internet. The electronic filing system generates a docket entry and automatically transmits a notice of the filing to the other participants in the case by electronic mail.

Attorneys who have registered to file documents in electronic form shall have the same access to the Court's electronic files as the public; however, registered attorneys' unique login and password shall give them access to the system that permits electronic filing and notification of filing to all case participants. The notice of filing shall permit the registered attorneys to receive one free electronic copy of all documents filed in the case. These electronic copies are time sensitive and should be downloaded to their computer for future reference.

A. ECF DEFINITIONS

The following definitions are used throughout this Manual:

- **“Conventional Filing”** means submitting a document to the Court or a party in paper or other nonelectronic, tangible format. Documents submitted conventionally shall be scanned, uploaded, filed and maintained in CM/ECF unless these procedures provide otherwise.
- **“Electronic Document”** is an electronic version of information otherwise filed in paper form. An electronic document has the same legal effect as a paper document.
- **“Electronic Filing System”** refers to the Court's automated system that receives and stores documents filed in electronic form in the Eastern District of Arkansas.
- **“Electronic Filing”** means uploading a PDF document directly from the registered user's computer to the CM/ECF system.
- **“Electronic Signature”** refers to the fact that an electronic document is deemed signed when filed by an attorney, judicial officer or deputy Clerk using a valid login and password.
- **“Filing User”** is an individual who has a Court-issued login and password to the CM/ECF system to file documents electronically.

- **“Notice of Electronic Filing”** is a notice automatically generated by the Electronic Filing System at the time a document is filed in the system, setting forth the time of filing, the date the document is entered on the docket, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the party or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows recipients to retrieve the document electronically.
- **“PACER”** (Public Access to Court Electronic Records) is an automated system that allows an individual to view, print and download Court docket information over the Internet at a fee established by the Judicial Conference of the United States.
- **“PDF”** is portable document format. A document created with a word processor, or a paper document which has been scanned, must be converted to PDF to be filed electronically with the Court.
- **“Proposed Order”** is a draft document submitted by an attorney for a judge’s signature. A proposed order in WordPerfect format should be provided to the Court as an electronic attachment to an e-mail addressed to chambers.
- **“Technical Failure”** is a failure of Court owned/leased hardware, software, or telecommunications facility which results in the inability of a Filing User to submit a filing electronically. “Technical Failure” does not include the malfunctioning of a Filing User’s equipment.

B. GENERAL INFORMATION

The policies and procedures that govern electronic case filing in the United States District Court for the Eastern District of Arkansas are contained in this manual. The following general information is relevant to our CM/ECF program.

- The official record of the Court shall be the electronic file maintained on the Court’s servers. This includes information transmitted to the Court in electronic format, as well as paper form.
- All civil, criminal and miscellaneous cases shall be made part of the CM/ECF system.
- All pleadings and documents required to be filed with the Court in connection with a case assigned to the Courts’ ECF system, are requested to be filed electronically effective July 1, 2005.
- All case initiating documents (civil complaints and criminal indictments) shall be filed conventionally.
- Social Security cases shall be subject to the limitations contained in Section IV(D) of this manual.

- Pro se parties shall not be permitted to file electronically.
- Sealed documents shall be filed conventionally.
- The Court may amend these procedures at any time without prior notice.

II. ELIGIBILITY, REGISTRATION & PASSWORDS

A. ELIGIBILITY

An attorney admitted to the Bar of this Court, including an attorney admitted *pro hac vice*, may register as a Filing User by completing the prescribed registration form and submitting it to the Clerk for the District in which the attorney intends to become a Filing User. If the Filing User intends to file documents electronically in both the Eastern and Western Districts of Arkansas, a separate registration form must be completed for each District. The registration form for the Eastern District is located on the Court's website, www.are.uscourts.gov.

B. REGISTRATION AND PASSWORDS

Registration as a Filing User constitutes consent to electronic service of all documents as provided in this manual in accordance with our Local Rules, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Attorneys who register for electronic filing shall receive important information from this Court about revisions to our local rules, general orders, fees, and the electronic case filing system by means of our electronic notification service and not by any other means. There is no fee for the electronic notification service and the usage is restricted to official Court business.

By signing the ECF Registration Form, Form A, the Filing Users certify that they have read and are familiar with the administrative policies and procedures governing electronic filing. Attorneys may register more than one Internet e-mail address. A second e-mail address (home or work) enhances the notification process by providing the Filing User with essential information at multiple locations.

All signed, original Attorney ECF Registration Forms must be mailed or delivered by hand to the Clerk's office. The Clerk's office will e-mail the login and password to the attorney, or the attorney may arrange to pick up the login and password at the Clerk's office. E-mail distribution of the login and password allows the Clerk's office to validate the accuracy of the e-mail address or addresses.

Attorneys may change their passwords at any time following registration.

1. Once the registration is processed by the Clerk, the Filing User shall protect the security of the User password and immediately notify the Clerk if the Filing User learns that the password has been compromised. If an attorney

comes to believe that the security of an existing password has been compromised or that a threat to the system exists, the attorney must change his or her password immediately.

2. Once registered, an attorney may withdraw from participating in the system by providing the Clerk's office with a notice of withdrawal. The notice must be in writing, and must be mailed or delivered to the Clerk's office, with a copy to counsel of record in each case in which the attorney is involved. Upon receipt, the Clerk's office shall immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list.
3. If an attorney is leaving a law firm and is the attorney of record on an existing case and representation in the case shall remain with the law firm, then withdrawal and substitution of counsel must be made prior to the attorney's termination in the law firm, for the following reason:
 - The attorney leaving the firm has an e-mail address with the law firm he or she is leaving on record with the Court. This e-mail address may be disabled by the law firm as soon as the attorney terminates his/her employment. The electronic notices in ECF shall continue to go to the terminated attorney's e-mail address at the former firm. If the e-mail address is disabled at the law firm, the attorney shall not receive the electronic notice. If a withdrawal/substitution of counsel has not been filed prior to the attorney leaving the firm, the law firm should not disable the e-mail account of the attorney leaving the firm until another attorney in the firm enters an appearance. The law firm should designate someone in the firm to check this e-mail account for ECF notices until substitution of counsel has been filed with the Court.
4. If the attorney leaving the firm is taking active cases from the firm, the attorney needs to change his/her e-mail address as soon as possible, otherwise the attorney shall not receive electronic notices from ECF. The e-mail shall continue to be sent to the former law firm's e-mail address still on record. Procedures for changing an e-mail address may be found in the ECF User Manual.
5. Whenever an attorney's e-mail address, mailing address or telephone number changes, a timely notice of change of address should be filed and a copy served on all other parties. The Filing User may file such a notice electronically.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING

1. In General

- a. All motions, applications, briefs, responses, memoranda of law, or exhibits to documents in a civil case (except for case initiating documents and official transcripts of proceedings) must be filed on the system electronically except as otherwise provided by these administrative procedures, by local rules, or by Court order.
- b. E-mailing a document to the Clerk's office or to the assigned judge does not constitute filing the document. A document shall not be considered filed until the system generates a Notice of Electronic Filing.

2. Entry of Appearance and Withdrawal of Appearance by Counsel

- a. The Clerk's office must be informed of the names, address, telephone number and e-mail address of the attorneys entering a case after the filing of the complaint. A separate notice of appearance form must be filed in the system electronically by each attorney and served on all parties. The early filing of the notice of appearance form by each attorney shall ensure prompt electronic service of documents throughout the duration of the case. A notice of appearance form can be downloaded from the Court's website @ www.are.uscourts.gov.
- b. A withdrawal of appearance by counsel may be accomplished only by leave of Court in accordance with Local Rule 83.5. A notice of appearance of substituted counsel may be filed only by the attorney entering the appearance, not by the withdrawing attorney.

3. If a document is filed prior to midnight, it shall be docketed on that day. However, time sensitive filings, which are electronically filed on the last day of any given deadline, shall be filed by 5:00 p.m., unless otherwise ordered by the Court.

4. A party who moves to amend a pleading shall attach a copy of the proposed document (*e.g.*, amended complaint, amended answer, etc.) to the motion as an exhibit. If the motion is granted, the order shall direct the attorney to file the document with the Court electronically.

5. The Clerk's office shall maintain a paper Court file in any case filed on or after July 1, 2005, only to the extent provided by Court order, local rule and these procedures. The official Court record shall be the electronic file maintained on the Court's servers and any documents or exhibits allowed to be filed conventionally.

- a. The Clerk's office will discard all documents brought to the Clerk's office for filing after those documents are imaged and uploaded to the system.

Note: The National Archives and Records Administration (NARA) and the Administrative Office of the United States Courts entered into an agreement that paper case files in district courts utilizing the CM/ECF system need not be retained for archival purposes after they have been scanned in their entirety into the CM/ECF. Section III (A)(5)(a) of this manual will go into effect when this policy is formally adopted by NARA.

B. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the system shall generate a "Notice of Electronic Filing" to the filing party, to any other party who is a registered user and to the assigned judge.
2. If the recipient is a registered Filing User, the system-generated Notice of Electronic Filing shall be deemed to constitute service of the document by first class mail, postage prepaid.
3. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.
4. A party who is not a registered participant of the system is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the nonregistered party with the pleading, document or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the Notice of Electronic filing to provide the recipient with proof of the filing.
5. System-generated deadlines are for Court use only and should not be relied upon by counsel.

C. SIGNATURES

1. Nonattorney Signature

If the original document requires the signature of a nonattorney, the filing party or the Clerk's office will scan the original document, and then file it on the system electronically.

- a. This rule includes all notarized documents.
- b. The electronically filed document as it is maintained on the Court's servers shall constitute the official version of that record. The Court shall not maintain a paper copy of the original document unless directed by the Court.
- c. A nonfiling signatory or party who disputes the authenticity of an electronically filed document with a nonattorney signature or the authenticity of the signature on that document must file an objection to the document within eleven days of service of the document.

2. Attorney Signature

- a. A pleading or other document requiring an attorney's signature must be signed in the following manner: "/s/ (attorney name)." The correct format for an attorney signature is as follows:

/s/ Pat Attorney

Bar Number 12345

Attorney for (Plaintiff/Defendant) XYZ Company

ABC Law Firm

1600 West Capitol Avenue

Little Rock, Arkansas 72201

Telephone: (501) 604-5300

E-mail: pat_attorney@law.com

- b. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within eleven days of service of the document.

3. Multiple Attorney Signatures. The following procedure applies when a stipulation or other document (*e.g.*, a joint motion) requires two or more attorney signatures:

- a. The filing attorney shall confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney shall then file the document electronically indicating the signatories, (*e.g.*, "/s/ Jane Doe," "/s/ John Smith," etc.) for each attorney's signature.

- c. A nonfiling signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within eleven days of service of the document.

D. FEES PAYABLE TO THE CLERK

Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The Clerk's office will document the receipt of fees on the docket with a text-only entry. The Court shall not maintain electronic billing or debit accounts for lawyers or law firms.

E. ORDERS

1. The assigned judge or the Clerk's office shall electronically file all signed orders.
2. Proposed orders shall be submitted as outlined below.
 - a. Electronically submitted proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first, then the proposed order must be submitted by e-mail. The proposed order must refer to the document number that the system assigns to the motion when the motion is electronically filed.
 - b. So that the Court can have the flexibility to edit proposed orders, all proposed orders must be submitted in WordPerfect or Rich Text Format. Judges shall not accept proposed orders in PDF format.
 - c. A proposed order should be attached to an Internet e-mail sent to the e-mail address of the assigned judge. The judges' e-mail addresses are as follows:

Susan Webber Wright	swwchambers@ared.uscourts.gov
George Howard, Jr.	ghchambers@ared.uscourts.gov
William R. Wilson, Jr.	wrwchambers@ared.uscourts.gov
James M. Moody	jmmchambers@ared.uscourts.gov
J. Leon Holmes	jlhchambers@ared.uscourts.gov
G. Thomas Eisele	gtechambers@ared.uscourts.gov
Henry Jones, Jr.	hljchambers@ared.uscourts.gov
H. David Young	hdychambers@ared.uscourts.gov
John F. Forster, Jr.	jffchambers@ared.uscourts.gov
Jerry W. Cavaneau	jwcchambers@ared.uscourts.gov
J. Thomas Ray	jtrchambers@ared.uscourts.gov

- d. If in doubt regarding whether to submit a proposed order to the assigned magistrate judge or the assigned district judge, the proposed order should **not** be submitted to both. Rather, the proposed order should be submitted to the district judge and, if appropriate, the district judge shall then forward the proposed order to the magistrate judge.
3. When the Clerk's office mails paper copies of an electronically filed order to a party who is not a registered participant of the system, the Clerk's office will include a copy of the Notice of Electronic Filing to provide the nonparticipant with proof of the filing.
4. The assigned judge or the Clerk's office, if appropriate, may grant routine orders by a text-only docket entry. The system shall generate a Notice of Electronic Filing of such an entry. In such cases, no PDF document shall issue; the text-only entry shall constitute the Court's only order on the matter. The Clerk's office will mail a paper copy of the Notice of Electronic Filing of an order by text-only docket entry to a party who is not a registered participant of the system.
5. Proposed orders that can be signed by the Clerk and submitted pursuant to Local Rule 6.2 should be prepared in WordPerfect or Rich Text Format and attached to an Internet e-mail sent to the Clerk's office at the following e-mail address:

clerksoffice@ared.uscourts.gov

The Clerk's office shall not accept proposed orders in PDF format.

F. TITLE OF DOCKET ENTRIES

The Filing User who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the Court.

G. CORRECTING DOCKET ENTRIES

1. Once a document is filed electronically, corrections to the docket can only be made by the Clerk's office. The system shall not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
2. A document may be filed incorrectly as the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, entering the wrong case number and not catching the error before the transaction is completed, etc. **The filing party should not attempt to refile**

the document. Rather, as soon as possible after an error is discovered, the filing party should contact the Clerk's office with the case number and document number that needs to be corrected. If appropriate, the Court shall make an entry indicating the document was filed in error. The Clerk's office will advise the filing party if the document needs to be refiled.

H. TECHNICAL FAILURES

The Clerk's office shall deem the Eastern District of Arkansas CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 8:00 a.m. that day. Known system outages must be posted on the web site, if possible.

1. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, shall not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.
2. In the event of a technical failure of the Court's CM/ECF site, documents may be submitted to the Clerk's office conventionally.
3. A filing party whose filing is made untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court. Sample language is attached to these procedures as Form C.

I. PRIVACY

To address the privacy concerns created by Internet access to Court documents, litigants shall modify or partially redact the following personal data identifiers appearing in documents filed with the Court as follows:

Attorneys should not include sensitive information in any document filed with the Court unless that inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected shall be made available over the Internet via PACER. If sensitive information must be included, certain personal data identifiers must be partially redacted from the document, whether it is filed traditionally or electronically: Social Security number to the last four digits, financial account numbers to the last four digits, names of minor children to the initials, dates of birth to the year.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may:

1. File an un-redacted document under seal. This document shall be retained by the Court as part of the record. Or,
2. File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list shall be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the Court as part of the record.

The Court may, however, still require the party to file a redacted copy for the public file.

In addition, exercise caution when filing documents that contain the following information:

- Personal identifying number, such as a driver's license number
- Medical Records, treatment and diagnosis
- Employment history
- Individual financial information; and
- Proprietary or trade secret information.

Counsel is strongly urged to share this notice with all clients so that clients may make an informed decision about the inclusion of certain materials. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules of this Court requiring redaction of personal data identifiers. The Clerk will not review each document for redactions.

IV. CONVENTIONAL FILING OF DOCUMENTS

The following procedures govern documents filed conventionally. The Court, on motion, may also authorize conventional filing of other documents otherwise subject to these procedures.

A. CASE INITIATING DOCUMENTS

All case initiating documents (*i.e.*, complaints with civil cover sheets and summons, and notices of removal) and any pleading that adds a party (*i.e.*, amended complaint, third-party complaint, etc.) to the civil action shall be filed conventionally on paper. The Clerk's office shall image these documents and upload them into the system.

1. Summons to be issued by the Clerk shall be delivered to the Clerk's office by United States mail or by hand-delivery.
- 2.. The party requesting the summons must complete the top portion of the summons form.
3. A party may not electronically serve a summons, but instead must effect service according to Rule 4 of the Federal Rules of Civil Procedure.

B. DOCUMENTS TO BE FILED UNDER SEAL

1. All requests to seal a document or material must be made by motion and accompanied by a proposed order (see Section III, E.2 "Orders"). Sealed documents shall not be filed electronically, but rather manually on paper with the Clerk's office. If a document accompanies the motion to seal, it must be submitted to the Clerk's office manually on paper and shall be placed inside an 8 ½" x 11" envelope. Affixed to the exterior of the envelope shall be a cover sheet containing:

- The case caption;
- The name of the document if it can be disclosed publicly, otherwise an appropriate title by which the document may be identified on the public docket; and
- The name, address and telephone number of the person filing the document.

If the motion is granted, the assigned judge shall electronically enter the order authorizing the filing of the documents under seal. If the documents were not

submitted with the motion to seal, the Filing User shall deliver the sealed documents to the Clerk's office for conventional filing under seal in the format listed above. Attached to these documents shall be a copy of the Court's order permitting sealing.

C. PRO SE FILERS

Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents that must be signed or that require either verification or an unsworn declaration under any rule or statute. The Clerk's office will scan these original documents into an electronic file in the system, but shall also maintain the original in a paper file.

D. SOCIAL SECURITY CASES

Absent a showing of good cause, all documents, notices, and orders in Social Security reviews shall be filed and noticed electronically, except as noted below.

1. The complaint and other documents typically submitted at the time a Social Security case is filed shall be filed and served conventionally.
2. The administrative record shall be filed and served conventionally because scanning that set of documents and filing or retrieving them electronically is impractical at this time. Because Social Security transcripts shall not be scanned or otherwise placed into the system, the Clerk's office will make a notation on the docket sheet that the transcript is available only in paper format.
3. All other documents in the case, including briefs, shall be filed and served electronically.
4. To address the privacy issues inherent in a Social Security review, Internet access to the individual documents shall be limited to counsel and Court staff to the extent that the Court has the documents in electronic format. Docket sheets, however, shall be available over the Internet to nonparties. Further, nonparties shall continue to have access to the documents on file at the Clerk's office.

E. FEE MATTERS

Documents relating to fee matters shall be filed conventionally. This includes documents such as appointment of and authority to pay Court appointed counsel, authorization and voucher for expert and other services, authorization and voucher

for payment of transcript, and requests for excess fees. The initial document appointing counsel shall be scanned by the Clerk's office and made a part of the electronic case file. However, in order to address privacy issues, all other documents relating to fee matters shall be maintained in the Clerk's office in a separate paper file.

V. ATTACHMENTS AND EXHIBITS

A. IN GENERAL

1. A filing party should electronically image, *i.e.*, “scan,” a paper exhibit that is less than two megabytes and submit the exhibit as a PDF file. Because PDF files containing scanned documents take up considerably more space on the system than PDF files containing electronically generated documents, filing parties may submit PDF files containing scanned documents of more than two megabytes only if they are filed in separate two megabyte segments.
2. Because documents scanned in color or containing a graphic take much longer to upload, the Filing User must configure their scanners to scan documents at 200 dpi and in black and white, rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the system.
3. Filing Users shall verify that scanned documents are legible before the documents are filed electronically with the Court.

B. VOLUMINOUS EXHIBITS

If the exhibit(s) attached to any particular document exceed a total of two megabytes, then the document and exhibits must be filed according to the following procedure.

1. The Filing User must prepare an exhibit index and file the index as an attachment to the main document.
2. Each exhibit must be filed as a separate attachment to the main document.
3. If any particular exhibit exceeds two megabytes, then that exhibit must be broken down into separate components of two megabytes or less, and each component must be filed as a separate attachment.
4. Following is a sample exhibit index, for which each exhibit must be filed as a separate attachment to the main document.

Exhibit	Description
A	Affidavit of John Smith
B	Excerpts from Jane Doe’s Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24)
D	XYZ Company General Ledgers

C. CONVENTIONAL FILING OF EXHIBITS

The Court will allow a party to conventionally file exhibits that are not available in electronic form or too lengthy to electronically image. Sealed exhibits shall be filed conventionally with the Clerk's office in accordance with the procedures set forth in Section IV, A. If a party files exhibits conventionally, then the exhibits must be filed according to the following procedure.

1. The Filing User must prepare an exhibit index. This exhibit index must be filed as an attachment to the main document and must state that the exhibits are being filed conventionally rather than electronically.
2. The Filing User shall file the main document containing the exhibits electronically and submit an exhibit index and the actual exhibits conventionally to the Clerk's office. The exhibits must be tabbed and bound. Receipt of the document containing the exhibits with a text-only entry shall be noted on the docket.
3. A party must serve conventionally filed materials on other parties as if not subject to these electronic filing procedures.

VI. NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon the entry of an order or judgment in an action, the Clerk's office will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing (NEF), with a hyperlink to the electronic document. Electronic transmission of the NEF, along with a hyperlink to the electronic document, constitutes the notice required by Federal Rules of Civil Procedure 77(d) and Criminal Procedure 49(c). The Clerk's office must give notice in paper form to a person who has not consented to electronic service.

VII. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. PUBLIC ACCESS AT THE COURT

Electronic access to the system is available for viewing to the public at no charge at the Clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 U.S.C. § 1914.

B. INTERNET ACCESS

Remote electronic access to the system for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee shall be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of written orders, calendars and certain other general information.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's office. The fee for copying and certifying shall be in accordance with 28 U.S.C. § 1914.

Pursuant to a memorandum from the Administrative Office of the United States Courts, nonjudiciary CM/ECF users shall be charged a fee of eight cents per page starting on January 1, 2005, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents, *i.e.*, parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients shall receive the initial electronic copy of a document free, but if they remotely access the document again, they shall be charged eight cents a page.



Form A

**United States District Court
Eastern District of Arkansas**

**ELECTRONIC CASE FILING
REGISTRATION FORM**

Background: This form is used to register for an account on the Electronic Case Filing (ECF) System. Registered users will have privileges to electronically submit documents and to view the electronic docket sheets and documents. Please visit our web site at www.are.uscourts.gov for more information about ECF.

Instructions: This form cannot be submitted electronically. Complete the form, print, sign, and return it to the Clerk's office at the address below. A user login name and password for access to the ECF system will be issued to you upon receipt of the fully completed form. All information is required, including your original signature, except where noted.

Name:

(First, Middle Initial, Last)

Telephone:

E-mail (primary):

(Address for receipt of official notification of electronic filings.)

E-mail (secondary):

(Optional address for receiving additional notification of electronic filings, e.g. secretary.)

State Bar Number:

Firm Name:

Firm Address:

Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Eastern District of Arkansas pursuant to Local Rule 83.5 and currently in good standing.

The undersigned agrees to abide by all Court rules, orders, policies and procedures governing the use of the ECF system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b)(2)(D) and Fed R. Crim. P. 49(b) via the court's ECF system. The combination of user login and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised. Attorneys enrolling in the court's ECF system will automatically receive important information from the U.S. District Court regarding revisions to local rules, general orders, fees, and general information concerning the ECF system.

Attorney Signature _____ **Date** _____

Submit completed ECF Registration Form to: James W. McCormack, Clerk
United States District Court
Attention: ECF Registration
600 West Capitol Avenue, Suite 402
Little Rock, AR 72201-3325

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

I hereby certify that on _____, I mailed the document and a copy of the Notice of Electronic Filing (NEF) by United States Postal Service to the following non CM/ECF participants:

/s/Attorney's Name

Bar Number

Attorney for (Plaintiff/Defendant)

Law Firm Name

Law Firm Address

Law Firm Phone Number

Attorney's E-mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

CERTIFICATE OF SERVICE

I hereby certify that on _____, I presented the foregoing to the Clerk of Court for filing and uploading to the CM/ECF system, which shall send notification of such filing to the following:

I hereby certify that I mailed the document by United States Postal Service to the following non CM/ECF participants:

/s/Attorney's Name

Bar Number

Attorney for (Plaintiff/Defendant)

Law Firm Name

Law Firm Address

Law Firm Phone Number

Attorney's E-mail Address

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS**

)	
)	
Plaintiff(s),)	
vs.)	Case No. _____
)	
)	
Defendant(s))	

**DECLARATION THAT PARTY WAS UNABLE
TO FILE IN A TIMELY MANNER**

Please take notice that _____ was unable to file _____ in a timely manner due to technical difficulties. The deadline for filing the _____ was _____. The reason(s) that I was unable to file the _____ in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/ _____

Name of Password Registrant

Address

City, State, Zip Code

Phone:

Email: